

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONGELADOS DEL CIBAO,

Plaintiff,
v.

3 KIDS CORPORATION, and DOMINICK
CHIAPPONE, in his individual capacity

Defendants.

Civil Action No. 1:19-cv-07596-LJL

PROPOSED JUDGMENT

UPON the reading and filing of the Defendant Dominick Chiappone's Notice of Motion for Partial Summary Judgment dated November 19, 2021 [ECF No. 76], Declaration of Michael Orozco dated November 19, 2021 and the Exhibits annexed thereto [ECF No. 76-1], Defendant's Memorandum of Law dated November 19, 2021 in support of Defendant Dominick Chiappone's Motion for Partial Summary Judgment [ECF 76-2], Defendant Dominick Chiappone's Proposed Order [ECF No. 76-3] and Defendant's Certification of Service [ECF No. 76-4], Plaintiff's Notice of Motion for Summary Judgment dated November 19, 2021 [ECF No. 77], the Declaration of Denise Alvarez, dated November 19, 2021 [ECF 77-1] and the Exhibits annexed thereto [ECF Nos. 77-2 & 77-3], Plaintiff's Proposed Order [ECF No. 77-4], the parties' Joint Statement of Material Facts [ECF No. 77-5], the Statement of Material Facts in Support of Plaintiff's Motion for Summary Judgment [ECF No. 77-6], Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Partial Summary Judgment dated November 19, 2021 [ECF No. 77-7], Plaintiff's Memorandum of Law in Opposition to Defendant Dominick Chiappone's Motion for Partial Summary Judgment dated December 13, 2021 [ECF No. 80], the Declaration of Denise Alvarez in Opposition to Defendant Dominick Chiappone's Motion for Partial Summary Judgment dated

December 13, 2021 and the Exhibits annexed thereto [ECF Nos. 80-1], Plaintiff's Response to Defendant Dominick Chiappone's Statement of Undisputed Material Facts [ECF No. 80-2], Plaintiff's Statement of Additional Material Facts in Opposition to Defendant Dominick Chiappone's Motion for Partial Summary Judgment Pursuant to Local Civil Rule 56.1 [ECF No. 80-3], Defendant 3 Kids Corporation's Opposition to Plaintiff's Motion for Partial Summary Judgment dated December 13, 2021 [ECF No. 81], the Declaration of Michael Orozco, dated December 13, 2021 [ECF No. 81-1], and the Exhibits annexed thereto [ECF No. 81-2 – 81-10], the Reply Memorandum of Law in Further Support of Plaintiff's Motion for Summary Judgment dated December 21, 2021 [ECF No. 82], the Declaration of Denise Alvarez in Further Support of Plaintiff's Motion for Summary Judgment, dated December 21, 2021, and the Exhibit attached thereto [ECF No. 82-1], Plaintiff's Response to Defendant 3 Kids Corporation's Counterstatement of Undisputed Facts [ECF No. 82-2], the Memorandum of Law of Defendant Dominick Chiappone in Reply to Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment [ECF No. 83], and all the pleadings and proceedings heretofore had herein; and after due deliberation, the Court having issued the Opinion and Order dated May 3, 2022 granting in part and denying in part, Plaintiff's motion for partial summary judgment and granting Defendant Chiappone's motion for summary judgment [ECF No. 87];

IT IS on this 20th day of May 2022,

ADJUDGED that the Plaintiff, Congelados del Cibao shall have judgment against and shall recover from Defendant, 3 Kids Corporation, the sum of One Million, One Hundred Fifty Seven Thousand, Eight Hundred Sixty Two Dollars and Thirty Two Cents (\$1,157,862.32), together with pre-judgment interest at the rate set forth in 26 U.S.C. § 6621(a)(2), in the amount

of \$2,817,704.38, all totaling the sum of \$3,975,566.70, together with costs and disbursements to be taxed by the Court, and Plaintiff shall have execution thereon.

ENTER:


HON. LEWIS J. LIMAN, U.S.D.J.

Date: May 20, 2022
New York, NY